

Call to Order:

The meeting was called to order at 7:37 pm. Present were Chairman, Paul Salafia, and members, Vincent Chiozzi, Linn Anderson, John McDonnell (arrived at 7:43 pm), and associate member Joan Duff ; also present was Planner, Jacki Byerley.

Phillips Academy:

The Board opened the public hearing on an application by Phillips Academy for a modification of a previously approved Site Plan Special Permit (SP00-06) under Section VI.Q., now known as a Major Non Residential Project Section 9.4.8 Phillips wishes to modify the conditions of approval for the Phillips Academy Hockey Rinks. Ben Ruggles, Manager of the hockey rinks, gave an overview of the previously approved special permit conditions. He noted that business has changed and that Phillips Academy wants to be more competitive with the surrounding rinks. Mr. Ruggles reviewed the hours of operation in the existing conditions and noted that they had to turn customers away due to the condition #18(b). Michael Williams, Director of Facilities representing Phillips Academy, noted that Phillips Academy is losing money because their subsidy for the rinks is increasing but the rates charged for using the rink will not have to increase as much if a modification is granted. The Board questioned if there would be an increase in traffic. Ms. Byerley reviewed her memo to the Board dated June 3, 2009 and noted that according to the Safety officer there have been no complaints about the rinks. Tom Childs of 244 South Main Street noted that the effect of the rinks has been minimal but he has concerns with an increase of traffic and noise if the modification was approved. Ms. Anderson suggested the Board could try the new hours and the Board could revisit it if there are any complaints. On a motion by Ms. Anderson, seconded by Ms. Chiozzi, the Board voted to close the public hearing for the modification of a Site Plan Special Permit (SP00-06) under Section VI.Q. (now known as a Major Non Residential Project Section 9.4.8) to modify the conditions of approval for the Phillips Academy Hockey Rinks. **Vote** Unanimous (5-0)

Chinmaya Mission:

The Board took up the discussion on an application by Chinmaya Mission for a modification of a previously approved Site Plan Review, which was initially approved in Feb. 2001 and modified in Sept. 2004. The modification would allow for a building expansion of 2,215 s.f. and a parking lot expansion from 79 to 92 parking spaces. Forrest Lindwall of Mistry Associates, Inc., representing Chinmaya Mission Boston, gave an overview of the proposed project including the ongoing construction, the proposed parking, and comments from the IDR. Dr. Gopala Dwarakanath, President of Chinmaya Mission, gave an overview of the programs and noted a portion of the proposed expansion would be used as a holding area for the children waiting for parents to pick them up between programs. Mr. Lindwall reviewed the traffic patterns. The Board questioned the traffic patterns, queuing, the original plan, parking and lighting. Ms. Byerley reviewed her memo to the Board dated June 3, 2009, including comments from the IDR conducted on May 26, 2009, and noted that the landscaping on abutting property line needs to be addressed on the plan. Dr. Dwarakanath reviewed the landscaping on the abutting property line and noted that some of the shrubs died; however, the plan is to remove the dead shrubs and replant 8 new shrubs. Richard Krafton Jr. of Union Street expressed concern with drainage and runoff increase. The Board requested that the applicant provide a current landscape plan and a proposed landscape plan. Karen Fraser of 11 Kenilworth Street commented on the fence along her property line and the

Chinmaya Mission:

dead landscaping. She suggested that the parking is not enough due to overflow parking on Kenilworth Street. Some Board members wanted to know if there is overflow parking on Kenilworth Street on Sundays. John McDonnell suggested that Town Counsel should review the constitutionality of the Board addressing the issue of overflow parking on a public street (which allows parking), if that review hinders a religious use. Karen Felton of 385 North Main Street questioned what board or town department should be contacted if the neighbors were dissatisfied with the planting. The Board noted that the condition is complaint driven. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to continue the discussion on an application by Chinmaya Mission for a modification of a previously approved Site Plan Review approved in Feb. 2001 and modified in Sept. 2004. The modification would allow for a building expansion of 2,215 s.f. and parking lot expansion from 79 to 92 parking spaces until June 23, 2009 at 8:00 PM. **Vote** Unanimous (5-0)

Black Horse Lane:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to reduce the performance guarantee for Black Horse Lane to a zero balance once the street acceptance documents have been recorded at the Registry of Deeds. **Vote** Unanimous (5-0)

Newport Circle:

Ms. Byerley reviewed her memo to the Board dated June 4, 2009 regarding the bond amounts. Gerry Welch noted they sold a lot, and the lawyers put the money for the bonds into passbooks. Ms. Byerley noted that the Planning Division does not have the passbook accounts. Mr. Welch reviewed the history of the bonds and is requesting that the board take the passbooks with the lower amounts and release some of the lots. Ms. Byerley noted that the posting of the bond is not the only issue for clearance certificates. The punch list from DPW has to be completed before any lots can be released and the passbooks have to be in name of Newport Circle LLC. On a motion by Mr. Chiozzi seconded by Mr. McDonnell the Board voted to allow the posting of the passbook accounts in the lesser amounts of \$93,235.88; \$47,271.70 and \$502.89; the Board also voted to allow clearance certificates for Lots 3, 4 & 5 to be released after the applicant has completed all the outstanding items listed in the punch list, provided by DPW dated June 1, 2009. Additionally, the passbooks must be in the current owner's name. The Board further voted not to allow the release of Clearance Certificated for Lots 1, 2, and 6 until a new estimate for the completion of the subdivision is obtained from DPW, the full amount is secured by a passbook account and any outstanding items on DPW's punch list are completed. **Vote** Unanimous (5-0)

Minutes:

On a motion Ms. Anderson seconded by Mr. Chiozzi the Board voted to approve the minutes for March 10, 2009. **Vote** Unanimous (5-0)

Phillips Academy:

The Board took up the deliberation on an application by Phillips Academy for a modification of a previously approved Site Plan Special Permit (SP00-06) under Section VI.Q. (now known as a Major Non Residential Project Section 9.4.8) to modify the conditions of approval for the Phillips Academy Hockey Rinks. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the modification of condition #18 (b) to Phillips Academy Special Permit (SP00-06) shall read as follows:

18.b. All other Recreational and Educational Organizations:

September to Mid-April: 6 AM to 11 PM, seven days a week

Mid-April to September:

Monday to Thursday; Open normally for all uses 6 AM to 10 PM

Friday: open normally for all uses 6 AM to 7 PM

Friday evenings after 7PM, Saturday and Sundays: for not more than 10 weekends during this period the rinks may open normally for all uses from 8 AM to 10 PM. Except for those 10 weekends, no use shall be allowed by other recreational or educational organizations on Friday evenings after 7 PM, Saturdays or Sundays.

As early as September 2010 but not later than September 2011 the Board may make a determination as to whether or not the new hours of operation are unreasonably detrimental to the established or future character of the neighborhood and town. The Board may convene a public meeting for purposes of determining what, if any, reasonable and feasible mitigation measures should be required of Phillips Academy.

Vote Unanimous (5-0)

Town Meeting:

The Board discussed the upcoming fall town meeting, which included the potential for establishing a public and private partnership. The Board would like Town Counsel's opinion of such a partnership.

Adjournment: The Board voted to adjourn the meeting at 10:04 p.m.